## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LORRAINE PAGANO.

CIVIL ACTION NO. 3:CV-15-1489

Plaintiff.

(JUDGE CAPUTO)

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(MAGISTRATE JUDGE MEHALCHICK)

VENTURES TRUST 2013-1-HR, et al.,

Defendants.

## **ORDER**

NOW, this <u>23</u> day of February, 2016, upon review of the Report and Recommendation of Magistrate Judge Karoline Mehalchick (Doc. 26) for plain error or manifest injustice, IT IS HEREBY ORDERED that:

- (1) The Report & Recommendation (Doc. 26.) is **ADOPTED in its entirety**;
- (2) Defendants' motions to dismiss (Doc. 20; Doc. 22.) are **GRANTED**;
- (3) Plaintiff's tort and breach of contract claims in Counts III and VII of her complaint (Doc. 1.) are **DISMISSED WITHOUT PREJUDICE**;
- (4) Plaintiff's request for declaratory judgment, quiet title action, slander of title claim, and fraud claims asserted in Counts I, II, VI, and VIII of her complaint (Doc. 1.) are **DISMISSED WITH PREJUDICE**;
- (5) Plaintiff's RESPA and breach of the covenant of good faith and fair dealing claims asserted in Counts IV and V of her complaint (Doc. 1.) are **DISMISSED WITH PREJUDICE**;
- (6) Plaintiff shall be granted thirty (30) days leave to amend her complaint and reassert her remaining claims in accordance with Rule 8(d)(1) of the Federal Rules of Civil Procedure; and

(7) The matter is remanded to Magistrate Judge Mehalchick for further proceedings.

A. Richard Caputo

**United States District Judge**